

REMARKS

Claims 6-21 and 27 have been previously withdrawn, and claim 3 canceled. According, claims 1, 2, 4, 5 and 22-26 and new claim 28 are at issue.

Of the claims at issue, all but new claim 28 have been rejected under 35 U.S.C. §102(b) as anticipated by Romine U.S. Patent No. 6,308,483.

Applicant respectfully asserts that the claims presented herein clearly distinguish from Romine.

Amended claim 1 requires a tooth-shaped cutting edge for cutting a smooth radial face into the insulating panel. Such a smooth or clean face is the precondition for well-fitting insertion and a tight support of the covering within the insulating plate after the insulating material beneath the pressing plate is substantially compressed.

Such a cutting edge is neither disclosed nor rendered obvious by Romine. Romine discloses an improved roofing fastener assembly for securing a thermal insulating material and membrane to a roof deck. To this end the assembly comprises a T-shaped fastener, a screw and an annular barbed washer. Thereby, the barbs 146 of washer 140 comprise a certain length so that they may penetrate at least through the roof membrane and into the insulation which can often have a dense face sheet. Further, the washer 140 includes a plurality of concentric ridges 147 to further ensure that the washer 140 resists sliding or other lateral movement when subjected to the forces caused by wind uplift (cf. column 4, lines 21 to 33 and Figs. 5 and 6 of Romine). The barbs do not form one cutting edge but are distributed all over the washer area for providing an appropriate anchorage in the insulation. The barbs do also not provide for a smooth radial surface but for a

plurality of stitches in the insulation material. Therefore, it is obvious that this assembly cannot be used for a sunk-in mounting of a dowel in the insulating panel as it is the case with the present invention. Actually, Romine nowhere provides any hints which would induce a skilled person to make considerations in such a direction.

Accordingly, claim 1 and claims 2, 4, 5 and 22-25 depending therefrom are submitted to be in condition for allowance.

New claim 28 recites an outer rim of the pressing plate where the pressing plate is circular about an axis and has a maximum radius from the axis at its outer rim with cutting devices being arranged at the outer rim.

As can be seen from Figs. 2 and 6 of Romine, the barbs 146 are located on concentric ridges or grooves 147 of a conical washer. Due to its conical shape, the washer 140 may be regarded to define many different circumferences in each plane through the cone shape which defines a ridge or groove 147 and one may consider each concentric ridge or groove 147 to form a separate circumference. However, on the actual rim 152 of Romine there are no barbs arranged, since this rim which surrounds the head 102 tends to hold the fastener 100 in its original position with respect to the washer 140 and the membrane 57 (cf. column 6, lines 22 to 24 of Romine). Consequently, there is no suggestion to a person skilled in the art to arrange cutting devices only at the outer rim. On the contrary, in order to achieve an appropriate stabilizing effect against wind uplift the barbs 146 are spread all over the area covered by the washer 140 for holding the washer 140 in place relative to the membrane 57 and insulation 56 (cf. column 6, lines 16 to 22 of

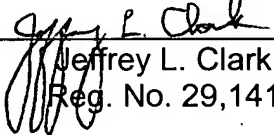
Romine). Thus, Romine actually teaches away from the subject matter of new independent claim 28.

Thus, claim 28 and claim 26 depending therefrom are submitted to be allowable.

In view of the above, all of claims 1, 2, 4, 5, 22-26 and 28 are believed to be allowable. Early notification to that effect is respectfully requested.

Respectfully submitted,

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER

By  _____
Jeffrey L. Clark
Reg. No. 29,141

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500 West Madison Street
Suite 3800
Chicago, IL 60661
(312) 876-1800